

**Draft Summary of the Environmental Work Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
July 25, 2001**

The Department of Water Resources (DWR) hosted the Environmental Work Group meeting on July 25, 2001 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting.

Introduction

Attendees were welcomed to the Environmental Work Group meeting. The meeting objectives were discussed. The Environmental Work Group Meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip chart notes taken during the meeting are included as Attachment 3.

In response to events at the July 17, 2001 Plenary Group meeting, the Facilitator reviewed the ground rules for both the participants and the facilitator. She reminded the Work Group of the need to commit to the collaborative process, maintain a relicensing focus, and treat other participants with respect. She stated agencies, the community, and the applicant all have something to gain from engaging in the ALP. She encouraged participants to work within the ALP for the benefit of the community and resources.

Action Items – May 23, 2001 Environmental Work Group Meeting

A summary of the May 23, 2001 Environmental Work Group meeting is posted on the project web site. The Facilitator reviewed the status of action items from that meeting as follows:

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| Action Item #E30: | Modeling Group presentation to the Environmental Work Group. |
| Status: | An update of the Modeling Group's activities is on today's agenda. |
| Action Item #E31: | Presentation and Discussion of ESA Section 7. |
| Status: | The Environmental Work Group deferred the update to their next meeting. |
| Action Item #E32: | Provide to the Environmental Work Group a detailed outline of a study plan for review and comment. Comments on outline are due to DWR within 5 days of receipt. |
| Status: | The study plan outline is being developed based on activities in both the Environmental Work Group and Issue Sheet Development Task Force. A draft study plan outline will be available within 14 days of this meeting for Environmental Work Group review. |
| Action Item #E33: | DWR staff to prepare revised Issue Sheets for Task Force review and comment. |
| Status: | The Issue Sheet Development Task Force received revised Issue Sheets and completed further revisions. These revised Issue Sheets will be reviewed at today's meeting. |
| Action Item #E34: | Prepare a list of time-sensitive studies that may need to be expedited for priority study plan development. |
| Status: | Steve Ford of DWR reported that DWR staff had not identified any studies that needed to be done early. Staff concluded that although this is a dry year, it is not an unusually dry year and resources could be better utilized supporting existing studies. Steve mentioned that DWR is considering taking some aerial photos of the upper reaches of the reservoir to check on sediment build-up. He added that the Issue Sheet Development Task Force would be discussing some vegetation pre-field work (desktop studies) in preparation for next year's field activities. Proposals regarding these activities may be ready by the next Issue Sheet Development Task Force meeting. |

Carryover Action Item

Action Item #E22: DWR to author a Joint Task Force proposal between Environmental and Engineering and Operations Work Groups regarding disposition of geomorphology and hydrologic issues, integration with modeling efforts and general issue tracking procedures.

Status: A discussion of the proposal is on today's agenda.

Joint Environmental/Engineering & Operations Task Force Proposal

The Environmental Work Group received a draft proposal for allocating and coordinating issues between the Environmental Work Group and the Engineering and Operations Work Group. Steve Ford described the criteria by which issues were allocated to the two Work Groups, and the process by which the Work Groups can coordinate their activities to address these issues. The proposal is intended to respond to the need for the Environmental Work Group and the Engineering and Operations Work Group to coordinate their actions.

Steve requested participants review the proposal and provide comments to DWR by August 8, 2001. For those attending Engineering & Operations Work Group meetings, they could provide their comments to Ralph Torres. Steve asked that comments be copied to both himself and Ralph Torres. Contact information for Steve and Ralph is included in the Flip Chart Notes, Attachment 3.

- One participant asked about coordination with other Work Groups. Steve responded that he was having discussion with other Work Group Resource Area Managers (RAMs), and additional coordination efforts will be developed as needed.

The draft Proposal for Allocating and Coordinating Issues Between the Environmental Work Group and the Engineering and Operations Work Group is appended to this summary as Attachment 4.

Modeling Group Status Report

Art Hinojosa of DWR provided an overview of the DWR Modeling Group's efforts to date, as well as an outline of modeling and how it would apply to Environmental Work Group activities. Art also defined some common modeling terms. Material used for the modeling presentation is included in this summary as Attachment 5.

Art explained that the development of a model for this project will be an iterative process, beginning with the identification of data needs, determination of model needs, assembly of model tools, and development of study plans and procedures. Then, model studies will be initiated and the results presented to the individual Work Group for interpretation. Often a model is re-tooled based on new or more accurate information, and run again. He stressed that one model run is rarely adequate to satisfy information needs. He added that the DWR Modeling Group is currently waiting to hear from the various Work Groups before determining what information needs are required by the study plans.

He added that the Modeling Group is ready to support a number of models since it is unlikely that a single model will adequately address temperature, flood, sediment transport, and other issues being considered by the various Work Groups.

- Roger Masuda representing Butte County asked what models were currently being used to model water and power allocations and how often the model is updated. Art responded that DWR uses spreadsheet and Fortran models to predict supply and demand. He added that DWR uses a monthly spreadsheet model to guide daily updates based on information DWR receives on a daily basis.

- Roger also asked how DWR evaluates economic impacts if FWS asks for increased water for fish flows. Art responded that there are economic guidelines, but the main consideration is driven by water supply. He added that the cost of power varies on a daily or hourly basis, and that makes it difficult to estimate economic impacts.
- One participant asked how the DWR Modeling Group determines the accuracy of their model projections. Art responded that it was better to consider models a comparative rather than a predictive tool. For example, small changes in water supply can mean large long-term changes in facilities operations. He added that the more information you have the better you could calibrate the model.

Issue Sheet Development – Task Force Revisions

Steve Ford reported that the Environmental Work Group did not meet in June but instead elected to hold two, daylong, focused Issue Sheet Development Task Force meetings (June 27 & 28) to continue development of Issue Sheets. The first day dealt with Water Quality and Fisheries Issue Sheets, the second day focused on Terrestrial and Geology/Geomorphology Issue Sheets. DWR and the Consulting Team chose 15 Issue Sheets considered to be the least controversial, and thus easiest to begin with. Based on Environmental Work Group discussions the Issue Sheet Development Task Force revised the study scope and resource goals, and added existing information and information needs. The 15 revised Issue Sheets were distributed to the Environmental Work Group for review and comment at this meeting. The Issue Sheet Development Task Force will meet again on August 10 and 13 to revise an additional 17 Issue Sheets (times, locations and focus for each Issue Sheet Development Task Force meeting is included in the Flip Chart notes in Attachment 3).

Steve reminded the Environmental Work Group that the schedule for developing study plans does not allow for delay and drafts must be to the Plenary Group by their December 2001 meeting. To meet these milestones, the Environmental Work Group should be done with the recommended draft study plans by its November meeting. He added that the Issue Sheets provide general guidance for preparing the study plans. Steve expressed a desire to begin crafting draft study plans as soon as the Environmental Work Group completes individual issue sheets. This would allow the Environmental Work Group to move ahead with development of some study plans before all Issue Sheets are completed. When reviewing Issue Sheets, Steve suggested that the Environmental Work Group find agreement on as many points as possible, and where there is disagreement, participants with differing perspectives get together to work out appropriate language. Steve also reminded the participants that changes to Issue Statements should be forwarded to the Plenary Group as part of their review of Scoping Document 1. He also asked the participants to refrain from wordsmithing other party's resource goals and instead provide new resource goals if needed to reflect their perspective. The Environmental Work Group agreed to revise resource goals only with the consent of the individual who originally submitted the resource goal.

Chuck Hanson of Hanson Environmental reported to the Environmental Work Group that he was no longer a member of the consulting team and would now be representing the State Water Contractors. Participants agreed that having technical expertise was beneficial to the Work Group regardless of affiliation.

- One participant asked that the 'Issues Addressed' be added to each Issue Sheet to be consistent with Issue Sheets being developed in other Work Groups.
- Craig Jones from the State Water Contractors asked about processes to detect and deal with overlap in study plans between Issue Sheets. Steve Ford responded that DWR staff and the consulting team discussed this, and each will double-check Issue Sheets for overlap as the study plans are developed.

- Rick Sitts from the Metropolitan Water District asked if the agreements submitted with the license application needed to have supporting studies. He also asked what processes have been put in place to remove Issue Statements that do not have clear nexus to the project. Steve Ford responded that the goal is to have the license reflect terms of the agreements reached as a result of negotiations among participants. The study plans are developed to help provide additional information needed to conduct the negotiations. Study results should provide better understanding of the facilities' operational impacts on various resources. Regarding the screening of Issue Statements, Steve mentioned that the Issue Sheet Development Task Force has already identified Issue Statements that do not require additional study. In other cases, the study would be limited to an existing studies literature search. Steve added that the Issue Sheet development process provides an opportunity to determine if all or part of an Issue Statement has nexus to the project. There may also be issue statements that have both FERC and non-FERC components. Non-FERC issues may be considered during the settlement agreement phase but may not require studies.
- Roger Masuda representing Butte County asked that DWR upper management prepare a formal statement regarding the disposition of FERC jurisdictional vs. non-jurisdictional issues. Studies on non-jurisdictional issues should be held separately for later negotiations and not simply dismissed by the work groups. Steve responded that no issues have been dropped, but that he was willing to discuss the requested statement with DWR management. He added that the Plenary Group should discuss the nexus issue as well.

The Environmental Work Group reviewed Issue Sheets G1, G2, G3, F2, F4, F10, F15, T4, T5, and T7. Participants agreed with Issue Sheet Development Task Force revisions for F2, F10, T4, T5, and T7 with no further revisions needed. Issue Sheets G1, G2, G3, F4 and F15 generated some discussion and further revisions as noted below. All of the Issue Sheets reviewed and revised by the Environmental Work Group at this meeting are appended to this summary as Attachment 6.

G1

The Environmental Work Group discussed geographic scope in general as it applies to several Issue Sheets. Several participants expressed concern that a broad geographic scope could lead to studies that might be impossible to finish within the timeframe provided by the relicensing process. Participants agreed to allow the consultants to draft language for geographic scope that would address this concern and provide the draft to the Environmental Work Group for review.

G2

The Environmental Work Group agreed to pass Issue Sheet G2 (Project Effects on Channel Capacity and Storage for Flood Protection) to the Engineering and Operations Work Group. Participants asked DWR to capture the environmental element of G2 in other appropriate Environmental Issue Sheets, and provide updates regarding the Engineering & Operations Work Group's development of G2.

G3

Steve Ford reported that the Issue Sheet Development Task Force determined Issue Sheet G3 (Coordinating Long Range Watershed Planning Activities with Local, State, and Federal Agencies and Local Landowners) does not warrant a study plan, but rather describes an approach that should be considered during selection or implementation of actions in the settlement agreements. The Environmental Work Group discussed G3 and agreed with the Issue Sheet Development Task Force recommendations however several participants asked DWR and the consultant team to provide a method for tracking Issue Sheets that do not develop into study plans. Additionally participants agreed that the term "addressed" or "resolved" rather than "eliminated" should be used to describe Issue Sheets such as G3.

F4

The Environmental Work Group discussed the definition of “significant” (as used in this Issue Statement to describe fish species), and “adverse impacts”, and the relationship of those terms to fish passage issues. Mike Taylor of the USFS was concerned that using the term “significant” when discussing fish species may affect environmental analysis under NEPA. He stated that NEPA has a very specific definition of “significant” that is used when preparing an Environmental Impact Statement (EIS). Participants agreed to drop the term “significant” and Eric See of DWR was tasked with clarifying what was meant by “adverse” as it relates to the goals of Issue Sheet and Study Plan development.

F15

Steve Rothert, representing American Rivers, asked about the ongoing impact of the project on anadromous fish migration in the Feather River, especially in the area between the Diversion Dam and Oroville Dam. He asked if the hatchery was effectively mitigating (the purpose for which it was originally constructed) for ongoing impacts of the project. Steve Ford responded that Resource Goal 3 for F15 addressed upstream passage of anadromous fish. He added that DWR might be obligated to address impacts of continued operations, not pre-project conditions, however the issue could be addressed within the context of cumulative impacts.

Mike Taylor representing USFS asked about the impacts of lost biomass or salmon carcasses on the banks of the upper river tributaries. Mike Perrone, DWR pointed out that this is covered in Issue Sheet F8.

Review of Issue Sheets T2, W5, W6, W13, and W17 was deferred to the next Environmental Work Group meeting. Participants agreed to review these revised Issue Sheets and provide comment to DWR prior to the next Environmental Work Group meeting. The Environmental Work Group at their August 22nd Work Group meeting will also review Issue Sheets revised by the Issue Sheet Development Task Force at their August 10th and 13th meetings. Issue Sheets revised by the Issue Sheet Development Task Force and deferred to the next Environmental Work Group meeting are appended to this document as Attachment 7.

Next Meeting

The Environmental Work Group agreed to meet again on:

Date: August 22, 2001
Time: 9:30 a.m. to 3:00 p.m.
Location: To be determined

Agreements Made

1. The Environmental Work Group agreed to convene the Issue Sheet Development Task Force on August 10, and 13, 2001 to revise draft Issue Sheets. The August 10 meeting will focus on water quality and terrestrial issues, the August 13 meeting will focus on fisheries and geology/geomorphic issues.
2. The Environmental Work Group agreed to pass Issue Sheet G2 to the Engineering & Operations Work Group.
3. The Environmental Work Group agreed to meet again on August 22, 2001 from 9:30 a.m. to 3:00 p.m. (location to be announced).

Action Items

The following list of action items identified by the Environmental Work Group includes a description of the action, the participant responsible for the action, and due date.

Action Item #E35: Review Joint Environmental/Engineering & Operations Task Force Proposal and provide comments to DWR (Steve Ford).
Responsible: Environmental Work Group participants
Due Date: August 8, 2001

Action Item #E36: Provide 'Issues Addressed' section for each Issue Sheet.
Responsible: DWR Staff and Consulting Team
Due Date: On-going

Action Item #E37: Develop statement related to the disposition of jurisdictional vs. non-jurisdictional (FERC vs. non-FERC) issues.
Responsible: DWR Staff
Due Date: TBD

Action Item #E38: Prepare language related to 'Scope' for Environmental Work Group review.
Responsible: DWR Staff and Consulting Team
Due Date: August 22, 2001

Action Item #E39: Review Issue Sheets T2, W5, W6, W13, and W17 and provide comments to DWR staff prior to the August 22 meeting.
Responsible: Environmental Work Group Participants
Due Date: August 15, 2001

Action Item #E40: Clarify what is meant by "adverse" as it relates to the goals of Issue Sheet and Study Plan development.
Responsible: DWR Staff
Due Date: August 22, 2001

Carryover Action Items

Action Item #E31: Presentation and Discussion of ESA Section 7.
Responsible: USFWS
Due Date: TBD

Action Item #E32: Provide to the Environmental Work Group a detailed outline of a study plan for review and comment. Comments on outline are due to DWR within 5 days of receipt.
Responsible: DWR Staff/Work Group
Due Date: August 22, 2001

Action Item #E33: DWR staff to prepare revised issue Sheets for Issue Sheet Development Task Force review and comment.
Responsible: DWR Staff and Consulting Team
Due Date: On-going